

SHELLIE LOTT, SBN: 246202
Lott Law Offices, A Professional Law Corporation
5250 Claremont Avenue, Suite 241
Stockton, California 95207
Telephone: (209) 948-9384
Facsimile: (209) 948-0706

Attorney for Plaintiff

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MISTY YORK,

Plaintiff,

vs.

KILOLO KAJIKAZI,
Acting Commissioner of Social Security,

Defendant

Case No.: 1:22-cv-00458-SKO

**STIPULATION AND ORDER FOR THE
AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS
TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

(Doc. 19)

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the EAJA in the amount of TWO THOUSAND AND SIXTY-SEVEN DOLLARS AND FIFTY-SEVEN CENTS (\$2,067.57). This amount represents compensation for all legal services rendered on behalf of Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412.

1 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
2 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's
3 attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the
4 assignment will depend on whether the fees and expenses are subject to any offset allowed under
5 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
6 and expenses is entered, the government will determine whether they are subject to any offset.
7 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
8 determines that Plaintiff does not owe a federal debt, then the government shall cause the
9 payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the
10 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
11

12 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
13 attorney fees and expenses, and does not constitute an admission of liability on the part of
14 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
15 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
16 EAJA attorney fees and expenses in connection with this action.
17

18 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
19 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.
20

21
22
23 Respectfully submitted,

24 Dated: January 23, 2023

/s/ Shellie Lott

SHELLIE LOTT

Attorney for Plaintiff

25
26 PHILLIP A. TALBERT

27 United States Attorney

PETER K. THOMPSON

28 Acting Regional Chief Counsel, Region IX

1
2 Date: January 23, 2023

/s/ Katherine Watson

(As authorized via email on 01/19/22)

3 KATHERINE WATSON

4 Special Assistant United States Attorney

5 **ORDER**

6
7 Pursuant to the foregoing stipulation of the parties (Doc. 19),

8 IT IS HEREBY ORDERED that an award of attorney's fees of \$2,067.57 under the Equal
9 Access to Justice Act (EAJA), 28 U.S.C. § 2412, shall be paid by Defendant in full satisfaction
10 and settlement of any and all claims Plaintiff may have for attorney's fees in this matter pursuant
11 to the Equal Access to Justice Act, pursuant to the terms of the stipulation.
12

13 IT IS SO ORDERED.

14
15 Dated: **January 23, 2023**

/s/ Sheila K. Oberto

16 UNITED STATES MAGISTRATE JUDGE
17
18
19
20
21
22
23
24
25
26
27
28